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DEPARTMENT FOR INL, EUR/ERA, EUR/AGS
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TREASURY FOR FINCEN
DEA FOR OILS AND OFFICE OF DIVERSION CONTROL
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SUBJECT: GERMANY 2006 INTERNATIONAL NARCOTICS CONTROL
STRATEGY REPORT (INCSR) - PART 1

REF: STATE 154928

I. SUMMARY

Although not a major drug producing country, Germany is a consumer and transit country for narcotics. The government actively combats drug-related crimes and focuses on prevention programs and assistance to drug addicts. In 2006, Germany continued to implement its Action Plan on Drugs and Addiction launched in 2003, with a specific focus on prevention. Germany is a party to the 1988 UN Drug Convention. Cannabis is the most commonly consumed illicit drug in Germany. Organized crime continued to be heavily engaged in narcotics trafficking. The Federal Office of Criminal Investigation (BKA) publishes an annual narcotics report on illicit drug related crimes, including data on seizures, drug flows, and consumption. Their report was a key source document for this report. The most recent complete German figures available for narcotics cover calendar year 2005. That year saw drug-related crimes (276,740) drop for the first time having risen continuously since 1996.

II. STATUS OF GERMANY

Germany is not a significant drug cultivation or production country. However, Germany's location at the center of Europe and its well-developed infrastructure make it a major transit hub. Ecstasy is transited from the Netherlands to and through Germany to Eastern and Southern Europe. Heroin is trafficked to Germany from Turkey, Austria, and Italy. Cocaine is transited through Germany from South America and the Netherlands. Organized crime continues to be heavily engaged in narcotics trafficking. Germany is a major manufacturer of pharmaceuticals, making it a potential source for precursor chemicals used in the production of illicit narcotics.

III. COUNTRY ACTIONS AGAINST DRUGS IN 2006

POLICY INITIATIVES. Germany continues to implement the Federal Health Ministry's "Action Plan on Drugs and Addiction" adopted by the cabinet in 2003. The action plan establishes a comprehensive multi-year strategy to combat narcotics. The key pillars are (1) prevention, (2) therapy and counseling, (3) survival aid as an immediate remedy for drug-addicts, and (4) interdiction and supply reduction. Germany also abides by the EU Narcotics Action Plan 2005-2008.

The National Inter-agency Drug and Addiction Council that had been established in 2004 to coordinate and review the implementation of the government's "Action Plan on Drugs and Addiction" passed a new working program in March 2006. The program recommends, inter alia, a continued focus on demand reduction in the consumption of cannabis.

LAW ENFORCEMENT EFFORTS. Counter-narcotics law enforcement remains a high priority for the BKA and the Federal Office of Customs Investigation (ZKA). German law enforcement agencies scored numerous successes in seizing illicit narcotics and arresting suspected drug dealers.

According to the most recent publicized analyses, the number of narcotics related seizures increased in 2005. However, the seized amounts decreased overall. Seizures of ecstasy decreased in 2005, while seizures of amphetamine, heroin and cocaine increased. The number of seizures of cannabis rose in 2005, while the amount of seized cannabis fell. In 2006, the BKA seized significant amounts of hashish transported from the Pakistan/Afghanistan border region. The ZKA conducted 7,683 criminal narcotics related investigations in 2005. The Frankfurt/Main Airport Customs Office alone seized 846 kilograms of illicit drugs in 2005 at Europe's second busiest passenger airport and a major freight hub -- about the same amount as in 2004.

CORRUPTION. As a matter of government policy, Germany does not encourage or facilitate the illicit production or distribution of drugs or substances, or the laundering of proceeds from illegal drug transactions. No cases of official corruption have come to the USG's attention.

AGREEMENTS AND TREATIES. A 1978 extradition treaty and a

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1986 supplement treaty are in force between the U.S. and Germany. The U.S. and Germany signed a Mutual Legal Assistance Treaty in Criminal Matters (MLAT) on October 14, 2003, which the German Parliament is expected to ratify early 2007. The U.S. Senate gave its advice and consent to ratification of the treaty on July 27, 2006. In addition, the U.S.-EU Agreement on Mutual Legal Assistance and Extradition from 2003 and implementing agreements are expected to be ratified in Germany and the U.S. in 2007. There is a Customs Mutual Legal Assistance Agreement (CMAA) between the U.S. and Germany. In addition, Germany is party to the 1988 UN Drug Convention, the 1971 UN Convention on Psychotropic Substances, and the 1961 UN Single Convention as amended by the 1972 Protocol. Germany signed the UN Convention Against Transnational Organized Crime on December 12, 2000 and ratified the Convention on June 14, 2006. Germany signed the UN Convention Against Corruption on December 9, 2003. Ratification is still pending.

CULTIVATION AND PRODUCTION. Germany is not a significant producer of hashish or marijuana. The BKA statistics reported seizure of eight synthetic drug labs in Germany in 2005.

DRUG FLOW/TRANSIT. Germany's central location in Europe and its well-developed infrastructure make it a major transit hub. Traffickers smuggle cocaine from South America to and through Germany to other European countries. Heroin transits from Eastern Europe to Western Europe, especially to the Netherlands. Cannabis is trafficked to Germany mainly from the Netherlands. Frankfurt Airport is still a major trans-shipment point for Ecstasy destined to the U.S. and for other drugs coming into Europe.

DOMESTIC PROGRAMS/DEMAND REDUCTION. The Federal Ministry of Health continues to be the lead agency in developing, coordinating, and implementing Germany's drug policies and programs. The National Drug Commissioner at the Federal Ministry of Health coordinates Germany's national drug policy. Drug consumption is treated as a health and social

issue. Policies stress prevention through education. The Ministry funds numerous research and prevention programs. Addiction therapy programs focus on drug-free treatment, psychological counseling, and substitution therapy. Initial results of a heroin-based treatment pilot project to treat seriously ill, long-term opiate addicts published in 2006 found heroin-based treatment for this group had advantages over a substitution therapy approach.

In 2006, there were 25 medically controlled "drug consumption rooms" in Germany supplementing therapy programs to offer survival aid. German federal law requires that personnel at these sites provide medical counseling and other professional help and ensure that no crimes are committed.

Drug-related deaths have been decreasing for several years. In 2005, they dropped by four percent compared to 2004, making 2005 the year with the lowest number of drug-related deaths since 1989. The number of first-time users of illicit drugs fell five percent in 2005 compared to 2004. First-time use of ecstasy, heroin and cocaine decreased in 2005, while the first-time use of crack increased.

IV. U.S. POLICY INITIATIVES AND PROGRAMS

BILATERAL COOPERATION. German law enforcement agencies work closely and effectively with their U.S. counterparts in narcotics-related cases. Close cooperation to curb drug trafficking continues among DEA, the Federal Bureau of Investigation (FBI), the U.S. Customs Service, and their German counterparts, including the BKA, the State Offices for Criminal Investigation (LKAs), and the ZKA. German agencies routinely cooperate very closely with their U.S. counterparts in joint investigations, using the full range of investigative measures, such as undercover operations. German-U.S. cooperation to stop diversion of chemical precursors for cocaine production continues to be close (e.g., Operations "Purple" and "Topaz"). A DEA Diversion Investigator is assigned to the BKA headquarters in Wiesbaden to facilitate cooperation and joint investigations. The DEA Frankfurt Country Office facilitates information exchanges and operational support between German and U.S. drug enforcement agencies. The BKA and DEA also participate in a

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tablet exchange program to compare samples of ecstasy pills.

THE ROAD AHEAD: The U.S. will continue its close cooperation with Germany on all bilateral and international counternarcotics fronts, including the Dublin Group of Countries Coordinating Narcotics Assistance and the United Nations Office on Drugs and Crime (UNODC).

IV. Chemical Control

(NOTE: A response to STATE 155254 regarding ephedrine and pseudoephedrine issues will be sent septel. End Note).

Summary. Germany's large chemical industry manufactures and sells most of the precursor and essential chemicals that may also be used in illicit drug manufacture. Germany produces large quantities of pseudoephedrine for licit pharmaceutical production. The country is a party to the 1988 UN Drug Convention and has chemical control laws and regulations, based on the EU regulations, meeting the Convention's requirements. Germany has an effective and well-respected chemical control program that monitors the chemical industry, as well as chemical imports and exports. Cooperation between chemical control officials and the chemical industry is a key element in Germany's chemical control strategy.

Legal Framework. In Germany, the trade in precursor chemicals is regulated by a comprehensive framework of laws, dominated by binding EU regulations. The federal Precursor Control Act, which takes EU law into account, supplements the EU regulations and criminalizes the diversion of controlled

chemicals for the manufacture of illicit drugs. Effective January 1, 2006, the Act was changed to implement amendments to EU regulations made in August 2005. Under the EU regulations, which meet the chemical control provisions of the 1988 UN Drug Convention, a comprehensive system of permits or declarations for the export and import of regulated chemicals has been implemented in Germany. The Federal Institute for Pharmaceuticals and Medical Products (BfArM) is responsible for issuing permits to companies that import or export certain precursor chemicals, registering them, and providing the International Narcotics Control Board (INCB) and the European Commission with information on the licit trade of precursor chemicals. In May 2006, a leading member of the BfArM was elected as a member of the INCB.

Law Enforcement. Customs authorities control the import, export, and transit of precursor chemicals at the Germany's borders. The Federal Office for Criminal Investigation and the Federal Office of Customs Investigation have a very active Joint Precursor Chemical Unit, based in Wiesbaden, devoted exclusively to chemical diversion investigations. They have a close relationship with the chemical/pharmaceutical industry and companies. These private sector entities are responsible for notifying law enforcement of any suspicious activity that could indicate an illicit use of chemicals. As noted above, in 2005, eight illegal labs were seized.

International Cooperation. Germany is in the forefront of international cooperation in chemical control. It developed and promoted the concept that led to Operation Purple and was one of the leaders in the organization of Operation Topaz. It strongly supports the INCB's Project Prism that concentrates on stricter tracking of trade in chemicals and equipment required for synthetic drug manufacturer. German chemical control officials and DEA counterparts maintain a close working relationship. A senior DEA Diversion Investigator in DEA's Frankfurt Country Office is assigned to the Joint Precursor Chemical Unit, working on chemical issues of concern to both countries. The arrangement allows for the real-time exchange of information. German and U.S. delegations regularly support joint positions on chemical control in multilateral meetings such as the Commission on Narcotic Drugs. Information exchange during special operations has also been excellent.

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